

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TONY ROQUE, a Washington resident

Plaintiff,

vs.

SEATTLE HOUSING AUTHORITY, a
public entity,

Defendant.

NO. 2:20-cv-658

**DECLARATION OF MARK
BERNSTEIN IN SUPPORT
OF PLAINTIFF'S REPLY
TO DEFENDANT'S
RESPONSE TO COURT'S
ORDER TO SHOW CAUSE**

I, Mark Bernstein, am over the age of 18 and competent to testify on the matters stated herein. I declare that the following information is true under penalty of perjury:

1. I am a Case Manager for Aging and Disability Services in the Human Services Department for the City of Seattle.
2. Tony Roque is a client of mine.
3. Mr. Roque is a recipient of personal care services through Home and Community Services, the Department of Social and Health Services, the state of Washington.

Given the extent of his personal care needs, it is imperative that the caregiver is

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1 present for a significant period of time. The caregiver is also the sole resource for
2 acquiring groceries, household items and medications.

3 4. Accommodations for the caregiver to be able to park and be accessible without worry
4 is a vital aspect of providing support as part of the service plan.

5 5. A service plan is developed with the client identifying their needs and caregiving
6 services in response for personal care to support. Mr. Roque, due to quadriplegia, is
7 bedbound and needs assistance with all personal care activities which includes, but
8 not limited to, bathing, personal hygiene and dressing. Of critical need is for a
9 repositioning program, which is frequently conducted throughout the day and evening
10 by a caregiver, to prevent pressure sores, wounds and rashes in order maintain skin
11 integrity and health. The objective of this state service is to assist and support
12 individuals to exercise their choices and opportunities to live independently in the
13 community.

14 6. Long term care options offer individuals personal care services which include in-
15 home and residential care. A client can exercise choice in the setting of their
16 preference in meeting their need and receipt of service. The state does not provide
17 24 hours/ 7 days a week service in the home setting. That is available in residential
18 facilities such as adult family home, assisted living and nursing homes. Mr. Roque,
19 as the majority of clients, has chosen to live independently. A functional needs
20 assessment identifies the number of eligible personal care hours per month. That
21 number, along with a state approval of an exception to rule request that allows for
22 additional hours in response to Mr. Roques needs in order to develop a safe service
23

1 plan, has been providing Mr. Roque 16 hours a day of contracted agency homecare
2 support. This has enabled Mr. Roque the opportunity to live in his own home.
3

4 The foregoing is declared to be true under penalty of perjury under the laws of the State of
5 Washington, in Seattle, Washington.
6

7 DATED this 20th day of May, 2020.
8

9 DocuSigned by:

Mark Bernstein

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10 Mark Bernstein
11 Case Management
12 Aging and Disability Services
13 Human Services Department
14 City of Seattle
15 206-471-8572
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